

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)	
)	
CENTERVILLE COMMUNITY SCHOOL)	
DISTRICT)	
Public Employer)	
)	
and)	CASE NO. 8052
)	
LABORERS' INTERNATIONAL UNION OF)	
NORTH AMERICA, LOCAL #566)	
Petitioner)	
)	

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PUBLIC EMPLOYMENT
RELATIONS BOARD

PROPOSED DECISION AND ORDER

Statement of the Case

This case concerns a combined unit determination and bargaining representative determination petition filed by Laborers' International Union of North America, Local #566 (Union). The Union seeks to represent the Centerville Community School District's (District) regular bus drivers.

A public hearing was held on November 18, 2008, at which the District and the Union were provided a full opportunity to present written evidence and testimony. A verbatim transcript of the hearing was taken by a certified shorthand reporter. The District and Union filed post-hearing briefs by December 4, 2008.

FINDINGS OF FACT

Director of Transportation and Purchasing Donna Riddick supervises 14 regular bus drivers which include one full-time

bus driver who has a special education route and one full-time employee who works as a custodian and regular bus driver; a full-time mechanic, a full-time assistant mechanic, and a full-time campus mail driver.

Transportation Department (Transportation) employees who work at least 30 hours per week are full-time and they are eligible for fringe benefits such as insurance. Regular bus drivers who are assigned to routes for four hours per day are not eligible for fringe benefits. These regular bus drivers are employed part-time by the District.

Transportation personnel are covered by a Support Staff Handbook (Handbook) which contains employment policies, work rules, and salary schedule. Transportation employees are paid by the hour.

The job qualifications for regular bus driver, mechanic, assistant mechanic, and campus mail driver include a high school diploma or its equivalent and a commercial driver's license.

The mechanic performs regular maintenance and body work on buses. The mechanic drives a bus route as needed.

The assistant mechanic maintains and performs minor repairs on buses; calls-in substitute bus drivers when needed; and drives a bus route each afternoon.

The campus mail driver delivers mail; puts out school stop signs at street crossings; drives a bus route as needed; and cleans and maintains buses.

Nine regular bus drivers begin their routes at the bus barn except five bus drivers who start routes from their residences. The bus barn is the location where buses are maintained and repaired.

The mechanic's and the campus mail driver's work days are 6:30 a.m. to 4:30 p.m., and 6:30 a.m. to 4:00 p.m.; respectively. The assistant mechanic works from 6:00 a.m. until 11:30 a.m., and from 2:30 p.m. to 4:00 p.m. Regular part-time bus drivers work from 6:00 a.m. to 8:00 a.m., and from 2:00 p.m. to 4:00 p.m.

Regular part-time bus drivers bid each month to drive activity routes. Other Transportation employees drive activity routes as needed.

The mechanic has an employment contract with the District for a 12-month work year. The assistant mechanic and regular bus drivers have employment contracts for 188 work days and the campus mail driver contracts for 210 work days.

The assistant mechanic was previously a full-time bus driver.

The District bargains collectively with a unit consisting of teachers.

CONCLUSIONS OF LAW

The issue in this case concerns an appropriate bargaining unit.

Section 13.2 of the Public Employment Relations Act (Act) provides that in determining an appropriate bargaining unit the Public Employment Relations Board (Board) shall:

* * *

. . . take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among public employees, the history and extent of public employee organization, geographical location, and the recommendations of the parties involved.

Bargaining unit determinations are made on a case-by-case basis in which the Board applies the Section 13.2 statutory criteria to the relevant facts of each employment situation. This case-by-case approach to bargaining unit determinations is important because the employment relationship in each case is different.

The District's position is summarized as follows: (1) Most non-supervisory Transportation personnel begin and end their work day at the geographically centered bus barn; and (2) A bargaining unit consisting of only full and part-time regular bus drivers is not appropriate. The District asserts that a unit of all non-supervisory Transportation personnel is

appropriate because these employees have the same supervisor; they have the same or similar job qualifications; they drive a bus either all or part of the time; they are paid by the hour; they have similar hours of work; they transfer between jobs; and they are covered by the same employment policies and work rules. The District contends, therefore, that these factors show that non-supervisory Transportation personnel have a "community of interest."

The Union's position is summarized as follows: (1) Regular bus drivers do not maintain or repair buses; (2) Regular bus drivers do not interact with other Transportation personnel because bus drivers spend most of their work time transporting students; and (3) Most regular bus drivers work part-time for the District. The Union asserts, therefore, that regular bus drivers do not share a "community of interest" with the mechanic, assistant mechanic, and campus mail driver.

The Act's section 13.2 criterion "history and extent of public employee organization" is not relevant in this case because no labor organization has represented the District's regular bus drivers to either negotiate or otherwise affect their wages, hours, or other terms and conditions of employment. Likewise, the statutory criterion "recommendations of the parties" is not relevant because the District and Union disagree over an appropriate bargaining unit.

The statutory criterion "geographical location" favors including regular bus drivers, mechanic, assistant mechanic, and campus mail driver in the same bargaining unit because with the exception of five regular bus drivers who keep buses at their residences, Transportation employees either work at or start and end their work day at the bus barn. In addition, the bus barn is the central location where buses are maintained and repaired.

The Board has previously concluded that the section 13.2 criterion "community of interest" includes such factors as similarity of employee duties, skills, qualifications, method of compensation, benefits, hours of work, work year, common supervision, transfer between jobs, and employee contact with other employees.¹

The District's Transportation Department consists of the director of transportation and purchasing; 12 regular part-time bus drivers; a full-time bus driver; an employee who works as a custodian and regular bus driver; a full-time mechanic; a full-time assistant mechanic; and a full-time campus mail driver.

All Transportation personnel have the same supervisor; they are paid by the hour; the current assistant mechanic transferred into that job from a regular bus driver job; they work the same or similar work years except the mechanic who has a 12-month

¹ Des Moines Independent Community School District, 75 PERB 21, 125 & 126

work year; and they are covered by a Handbook which contains the same employment policies and work rules. These factors make all Transportation personnel similar. Transportation employees are dissimilar because their jobs require different skills.

The Board has previously concluded:

* * *

. . . "[d]etermining the appropriate unit is not a precise science, and involves giving varying weights to numerous relevant factors under varying facts of employment relationships" (citation omitted). Accordingly, we have acknowledged that "in certain instances the balancing of the statutory criteria becomes tenuous and that unit determinations, made on a case-by-case basis, may turn on variations in employee job responsibilities, pay or some other factors" (citation omitted), and that "[t]he weight applied to any one factor may alter a decision regarding a unit's appropriateness."²

In this case regular bus drivers transport students; the mechanic and assistant mechanic assure that buses are properly maintained; and the campus mail driver puts out school stop signs at street crossings. In addition, the mechanic, assistant mechanic, and campus mail driver drive buses as needed. The employees' use of their different skills on a daily basis clearly demonstrate that all employees share the responsibility for the successful and safe transportation of the District's students. It is this shared responsibility that primarily

² Anthron-Oto Community School District, Decision on Remand, 85 PERB 2678, p. 6.

establishes the Transportation employees' "community of interest" with each other and statutorily connects these employees under section 13.2 of the Act. No other group of support staff have the same or similar responsibility.

The Union's position in large part centers on the argument that because most of the regular bus drivers work part-time for the District they do not share a "community of interest" with other Transportation personnel. Part-time employees are not eligible for fringe benefits such as insurance. Nonetheless, a bargaining unit based solely on part-time employment status ignores the section 13.2 statutory requirement that a "community of interest among public employees" includes consideration of many factors, and not just hours of work.

The Board has previously concluded that the Act's section 13.2 statutory criterion "efficient administration of government" requires a public employer to bargain with the smallest number of bargaining units possible and at the least cost to an employer,³ consistent with the requirement that employees be permitted to form organizations of their own choosing to represent them in a meaningful and effective manner. Meaningful bargaining as contemplated by the "efficient administration of government" criterion requires determining an

³ Anton-Oto Community School District, cited above.

appropriate bargaining unit in which employees share a "community of interest."⁴ A unit determination, therefore, requires balancing an employer's costs to negotiate against the employees' right to select a labor organization to meaningfully bargain on their behalf.

The District currently bargains with a unit consisting of teachers. An additional bargaining unit consisting of all non-supervisory Transportation personnel would be more efficient and less costly to negotiate than requiring the District to bargain with a separate bargaining unit of regular bus drivers because, as concluded above, all Transportation personnel share a "community of interest" not shared with other support staff employed by the District. To conclude otherwise would require the District to bargain with two bargaining units of Transportation personnel: a unit of 14 regular bus drivers and another unit consisting of the mechanic, assistant mechanic, and campus mail driver.

Based on the foregoing, I issue the following:

ORDER

IT IS HEREBY ORDERED that an election be conducted under the supervision and direction of the Public Employment Relations Board at a time and place to be determined by the Board. Eligible to vote are all employees in the following-described bargaining unit

⁴ Des Moines Independent Community School District, cited above.


who are employed during the payroll period immediately preceding the date below, and who are also employed in the bargaining unit on the date of the election:

INCLUDED: All regular bus drivers, mechanic, assistant mechanic, and campus mail driver.

EXCLUDED: Certified professional employees, all other noncertified employees, substitute bus drivers, and all others excluded by Iowa Code section 20.4.

IT IS FURTHER ORDERED that the Centerville Community School District submit to the Public Employment Relations Board by no later than February 5, 2009, an alphabetical list of the names, addresses, and job classifications of all eligible voters in the unit described above.

DATED at Des Moines, Iowa, this 9th day of January, 2009.



James A. McClimon
Administrative Law Judge

cc: Jay M. Smith
Jeffrey A. Krausman